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12 Attorneys for Defendants ROBERT CAPPS AND CENTRAL STATES RECOVERY

13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA

15 JASON GIESY,

16 Plaintiff,

17 v.

18 ROBERT CAPPS, CENTRAL STATES
19 RECOVERY,

20 Defendant.

Case No.: 2:15-cv-08171-AB-E

**DEFENDANTS' NOTICE OF
MOTION AND MOTION TO DISMISS
PLAINTIFF'S COMPLAINT
PURSUANT TO FRCP 12(b)(2)**

**DATE: April 25, 2016
TIME: 10:00 A.M.
CRTRM: 4 - 2nd Floor
Hon. Andre Birotte Jr.**

NOTICE OF MOTION

TO THE PLAINTIFF AND HIS COUNSEL OF RECORD:

NOTICE IS HEREBY GIVEN that on April 25, 2016 at 10:00 a.m., in Courtroom 4, in the above entitled Court located at 312 N. Spring Street, Los Angeles, California, Defendants Robert Capps and Central States Recovery, will, and hereby do, move this Court for an order dismissing each and every claim or cause of action pled in Plaintiff Jason Giesy's Complaint pursuant to Federal Rules of Civil Procedure, Rule 12(b)(2).

This motion is made on the grounds this Court lacks general and specific jurisdiction over Defendant Capps and Central States Recovery and such exercise of jurisdiction would violate due process and California's Long-Arm statute, because the

1 jurisdiction would violate due process and California's Long-Arm statute, because the
2 Plaintiff's Complaint pleads no claims arising out of these Kansas defendant's forum-
3 related activities and the defendants cannot be deemed "essentially at home" in
4 California.

5 **REQUEST FOR RELIEF**

6 Defendants Robert Capps and Central States Recovery ("Defendants") hereby
7 request that this Court dismiss Plaintiff Jason Giesy's Complaint against Defendants,
8 and each and every claim therein, with prejudice, as the Court lacks jurisdiction over
9 these Defendants.

10 Pursuant to Local Rule 7-3, Defendants' counsel has attempted to meet and
11 confer with plaintiff by sending a letter to plaintiff identifying the issues to be raised in
12 this motion to dismiss on March 17, 2016. To date counsel has not received any
13 response. Counsel has been unable to meet and confer further because Plaintiff resides
14 in the Federal Correctional Institute, Littleton, Colorado.

15 Dated: March 24, 2016

16 ELLIS LAW GROUP LLP

17 By /s/ Andrew M. Steinheimer
18 Andrew M. Steinheimer
19 Attorney for Defendants
20 ROBERT CAPPS AND CENTRAL STATES
21 RECOVERY
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